

Minutes of Public Meeting

Environmental Quality Commission

Commonwealth Room

Morehead State University, Morehead, Kentucky.

May 30, 2002

EQC Commissioners and Staff Present

Aloma Dew, Chair

Betsy Bennett, Vice-Chair

Patty Wallace

Serena Williams

Bob Riddle

Jean Dorton

Staff

Leslie Cole, Director

Erik Siegel, Assistant Director

Lola Lyle, Research Analyst

Frances Kirchhoff, Administrative Assistant

Speakers/Representatives Present

Ben Worthington, Daniel Boone National Forest

Leah MacSwords, Kentucky Division of Forestry

Bob Bauer, Kentucky Forestry Industries Association

Doug Doerrfeld, Kentuckians for the Commonwealth

Commissioners not attending

Gary Revlett

Opening Remarks/Approval of EQC Meeting Minutes

Environmental Quality Commission (EQC) Chair Aloma Dew opened the meeting at 6:30 p.m. The focus of the meeting was to review forestry issues and needs in Kentucky, and provide public comment regarding Kentucky's forest resources. There were approximately 100 people in attendance.

Ms. Dew noted that EQC is a 7-member citizen board created under state law to advise the Governor and other state officials on environmental matters. We also publish the State of Kentucky's Environment – a biennial report to monitor environmental trends and conditions. Copies of this report are available at the sign in table. In addition, EQC promotes public awareness and action for a clean and sustainable environment.

Ms. Dew noted that EQC commissioners essentially volunteer their time to serve on the commission and come from all walks of life from across the state.

She indicated that an important part of the EQC mission is to facilitate discussion and resolution on environmental matters of public concern. Today's meeting will focus on a topic that has been an ongoing public concern in Kentucky – our forest resources.

Ms. Dew gave brief opening remarks on Kentucky's forests. She stated that over the years, Kentucky's forests have changed. Almost every forest in Kentucky has been logged at one time. Thousands of acres of forestlands have been cleared to make way for farms, development and roads. Most recently, Kentucky has gained back some of its forestland as abandoned farms have converted back to forests. Today, forestland covers an estimated 46 to 48 percent of the state's 25.6 million acres of land. Some 306,900 private landowners own about 93 percent of the forestland in Kentucky, with the average woodland tract being 38 acres.

Kentucky's forestlands help to form the state's distinctive biological diversity and contribute to our economic and environmental well being, but Kentucky's forests face numerous challenges

and issues. Private forests are being logged at record levels. Preliminary data reveals that in 1999, a record 1.13 billion board feet of timber was harvested from Kentucky's forests. That's a 12 percent increase since 1997 and double the harvesting levels reported in 1974. A forest survey, currently underway, should give us a better idea of the impacts of logging on the sustainability of Kentucky's forests.

Our forests have also been damaged by wildfires. Each year, fires burn thousands of acres of forests. These fires not only threaten public safety they impair timber quality and destroy wildlife habitat. Most of these forest fires are purposely set. Unfortunately, very few arsonists are ever apprehended.

Kentucky's forests have also been impacted by disease and insects. One of the greatest threats is from the southern pine beetle, which has killed thousands of acres of pine trees. Statewide there were more than 1,500 infestations and six counties were in outbreak status. Proposed coal mining in the Daniel Boone National Forest has raised public concerns about the impacts to forestlands and tourism in Kentucky's only national forest.

Ms. Dew stated that EQC had invited federal, state, industry and public interest group representatives to review forestry issues and needs in the state. Each speaker is allotted 20 minutes, and we will provide for brief questions after each presentation. However, we would ask that you hold any general comments until after all speakers have made their presentation.

Ben Worthington, U.S. Forest Service, Daniel Boone National Forest

Ms. Dew introduced the first speaker -- Ben Worthington, Forest Supervisor with the Daniel Boone National Forest (DBNF). Mr. Worthington stated that the U.S. Forest Service is charged with the management of the Daniel Boone National Forest. The role of the agency is to protect the resources of the forest and meet the needs of the public. Mr. Worthington discussed threats facing the Daniel Boone National Forest including the Southern Pine Beetle and the Gypsy Moth, I-64 Morehead Interchange, mining on the forest and the forest plan revision.

- ***Forest Threats – Southern Pine Beetle, Gypsy Moth***

One of the last inventories of the DBNF showed that there are about 100,000 acres of pine stands on the forest. In December 1999, the southern pine beetle infestation began to occur and by June 2000 the population had soared. The DBNF lost major pine acreage to the Southern pine beetle. By March 2001, it was estimated that we had lost 80 percent of the pine in the forest. Since pine stands are the habitat for the endangered red-cockaded woodpecker, an effort was made to relocate 17 of the remaining birds to Arkansas and South Carolina. The current situation is that thousands of dead pine trees are threatening safety along roads and trails. The Forest Service, with county road departments, state road departments, utility companies are all working together to keep the public safe from the hazards of falling trees. We are also looking at the restoration of the pine ecosystem.

The U.S. Forest Service is also looking at the impending invasion of the Gypsy moth. The Gypsy moth focuses on hardwoods—primarily oak. It is in the northeast in the Lake States and coming this way. We are beginning to pick up moths in traps in Rowan County. Unlike the pine beetle, the Gypsy moth does not simply travel through, eat the vegetation and then move on. The Gypsy moth repeatedly attacks and destroys the vigor of the trees, thereby causing the trees to die out. Records show that about 20 percent of the trees in a stand are affected. This leads to a change in the forest structure; causing it go from an oak forest to a red maple stand. We are considering how to prepare oak stands to withstand Gypsy moth attacks. Healthier stands better withstand the

attacks. One way to accomplish this is through thinning; trees with more room to grow and are more likely to live through Gypsy moth assaults. Other tools are prescribed fire and regeneration cutting. According to entomologists, the Gypsy moth will be here in 10 to 15 years. Those estimates could be accelerated based on current trapping rates.

- ***I-64 Morehead Interstate Interchange***

There are a number of federal highway projects that go through the DBNF. One foremost on our minds in this area, is the I-64 interchange on the East Side of Morehead. The Federal Highway Administration is the lead agency on all highway projects. They are the decision-maker on the project. The Kentucky Division of Transportation (DOT) is doing the environmental analysis. The Forest Service's role is a cooperating agency. This means that the Forest Service provides information and input when DOT comes up with alternatives. When the environmental analysis is done, the federal highway administration will make a decision on what they will be doing on that particular project.

- ***Mining on the Daniel Boone National Forest***

In 1977, Congress passed the Surface Mine Reclamation Act that prohibited strip mining on federal lands. However, underground mining is allowed. When someone wants to mine minerals under the DBNF, they present an operating plan and DBNF has 30 days to look at the plan and provide feedback as to the impact to the surface resources. Seventy percent of the mineral resources in the DBNF are privately owned with the remaining 30 percent federally owned. The actual regulation and permitting of coal on the DBNF is performed by the Kentucky Department of Surface Mining Reclamation and Enforcement

There are some operations that have been permitted to mine federal coal on the DBNF. When a proposal is received we look at each parcel to be leased and consider the potential impact on the surface resources. If the project can proceed without impacting the surface resources, then we do move ahead with leasing the minerals. The U.S. Bureau of Land Management auctions off the lease. There are four agencies involved with leasing and oversight of mining of federal minerals on the DBNF: the Bureau of Land Management, Ky. Department of Surface Mining and Reclamation Enforcement, federal Office of Surface Mining and the U.S. Forest Service.

- ***DBNF Forest Plan Revision***

We have been in the process of revising the DBNF plan revision for quite awhile. Over a year ago, we moved into an aggressive timeline to get this project completed. Two things necessary were the yield table and viability assessment. We hope to have the Environmental Impact Statement done by September when it will be released for public review.

Questions and comments followed Mr. Worthington's presentation.

Q. Several audience members expressed concern about an I-64 interchange in Morehead slated to go through the Daniel Boone National Forest and asked Mr. Worthington about the Forest Service's role in the process.

A. Mr. Worthington noted that the Forest Service role is not the decision-maker regarding this road project. The Forest Service's role is to provide input. When the Department of Transportation (DOT) comes to us with routes they would like to look at, we provide information about the resources and our perception of possible impacts, but it is up to them to take that into consideration and do the analysis. As a cooperating agency, I am not much more than a member of the public. It is up to the DOT to inform the public. If you have questions, contact the federal highway administrator or the state DOT to get some answers.

Q. Is the Forest Service aware that the forest plan division working at this time (team leader, Rick Wilcox) is not going to inventory the unauthorized/illegal off-road vehicle road systems within the DBNF? What is your position on that?

A. Mr. Worthington responded that he was not aware of that. When the Forest Services makes the draft plan available for public input, he encouraged the audience member to look at that portion of the plan to see if the concerns are adequately addressed. He said it would be difficult to inventory all illegal roads due to a lack of staff resources.

Q. Concerning leasing coal, 70 percent of the Daniel Boone are owned by someone other than the government. Why then are the only two leases to mine coal in the DBNF leases to mine federally owned coal? Why is DBNF offering up federally owned coal?

A. Mr. Worthington responded that there are other leases of federal coal resources underway. He said two have been recently been proposed. When we get lease proposals we analyze them to see what the impacts are and if the impacts are unacceptable.

Q. How concerned are U.S. Forest Service officials about the fragmentation of the DBNF, specifically the 8,000 acres of the proposed site that the I-64 interchange would be going through?

A. Mr. Worthington noted that the DBNF encompasses more than two million acres. Of that, 700,000 acres are federally owned. That means that quite a bit of private land is interspersed with federal ownership. The Forest Service is concerned with the conversion of privately owned forest from forested land to development and other uses.

Leah MacSwords, Director, Kentucky Division of Forestry

Ms. Dew introduced Leah MacSwords, the Director of the Kentucky Division of Forestry. Ms. MacSwords gave a presentation to answer the question, "Are Kentucky's Forests Sustainable."

- ***Defining Sustainability***

In trying to define sustainable, Ms. MacSwords found that in 1987 the United Nations Commission on the Environment and Development defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." According to Donald Floyd in his book, *Forest Sustainability, the History, the Challenge, the Promise*, to achieve sustainability in a forest we must first determine the needs of the current generation and the current rate of forest production and consumption, and then make a reasonable estimate of the needs of an unspecified number of future generations. Each one of us has a different view of what sustainability means based on our own needs and values. Each interest group selects the mix of values and kind of forest that best meet its needs. But according to Floyd, there seems to be general agreement that forest sustainability comprises three elements:

1. Ecological sustainability: maintenance of biological diversity and the integrity of ecological processes and systems
2. Social sustainability: maintenance of the human community that depends upon the forest.
3. Economic sustainability: maintenance of the companies, communities and families that are economically dependent on forests.

- ***Factors that will help meet forest needs***

Who then get to decide what our forests needs are and how our needs will be met and what method will be used? Ms. MacSwords presented seven key factors that will meet current forests needs without compromising the future of the forests.

- Landowner knowledge – More than 306,000 private landowners control approximately 93 percent of the commonwealth’s forested land. These landowners need information and knowledge to help them make informed decisions about their forests. The Kentucky Division of Forestry meets with and talks to landowners about what they want from their woods, then works with them to develop a plan suitable to reach their goals.
- Land use planning – Our forestlands have become fragmented. Through fragmentation, we are losing the large blocks of forests because the land is being divided into smaller parcels and sold for development. Land-use planning also known as smart growth, recognizes the importance of revitalizing and reusing already developed areas as a means of keeping undeveloped land as forests or agricultural lands.
- Accurate data and information about the status and condition of our forests – It is critical that we know exactly what is happening in our forests in order to separate fact from myth. The best available data are from the 1988 Forest Service Forest Inventory Assessment. We are currently gathering data from plots around the state and we will complete this round of data collection this fall. The Forest Service assures us that the report will be complete by September 30, 2003. In addition a multimillion-dollar grant from NASA to prepare a landcover map using satellite images will move Kentucky light-years forward in determining the land use changes.
- Presentation and conservation of certain forest lands - Governments can not possibly acquire all the forestland for preservation but what we can do is acquire certain land through purchase of the land or conservation easements to help save these lands from development.
- Market demands – The demands that consumers place on forest industries to provide forest products will directly impact how much timber is harvested, how well the forests are managed, and whether efforts are made to reforest.
- Incentives for landowners and forest industries – Incentives could be either government led programs, including tax reforms or cost-sharing programs or industry led. We are seeing a push towards certified forests not from government, but from the forest industries. Certification is a general term used to describe the process of verifying that forests are well managed and communicating that through some type of recognition.
- Forest Protection – Everyone knows that the division is responsible for forest fire suppression. A forest fire doesn’t necessarily lead to deforestation but without better monitoring, the exact long-term effects are unknown. What we do know is that repeated fires in the same forests has a tendency to weaken the trees making them susceptible to insects and disease. We are constantly on the lookout for forest pests. We have been tracking the Southern pine beetle and the damage it has caused for the past several years. We are keeping a constant eye out for the Gypsy moth and setting traps. Protecting the forest also includes logging. The Division of Forestry works with commercial timber harvests as mandated by the Kentucky Forest Conservation Act, inspecting logging operations, taking enforcement actions and assessing civil penalties.

In closing, Ms. MacSwords said the answer to the question, “Are Kentucky’s Forests Sustainable” is yes, if citizens, landowners, forest industries and governments decide together through mutual consent to make sustainable forestry the goal and behave accordingly.

Questions and comments followed Ms. MacSwords’s presentation.

Q. How long do you think Kentucky can sustain the kind of harvesting being done at the present time and still have anything left in ten years? I know I can’t tell my neighbor to stop logging his land, but what can be done?

A. Ms. MacSwords noted that sustainability depends on a cooperative effort and the seven key elements. What you can do, as a private citizen is work with industry groups and governmental

groups through local legislators and help decide what sustainability means in your area. Kentuckians need to determine what is best for the Commonwealth.

Q. Don Girton, a member of the Kentucky Woodland Owners Assn., commended the Division of Forestry for its efforts to implement the Forest Conservation Act. His main concern was landowner education. He believes that the forest stewardship issue hasn't been adequately addressed. Kentucky needs to promote stewardship for public and private forests under three strategies:

- Expand landowner education,
- Develop a tax structure that encourages long-term investment, and
- Develop a state-funded forest stewardship incentive program.

He asked what are your plans to implement these three things, and do you have any plans? Also, would you be receptive to revisiting the forest stewardship plan that is now 6 years old?

A. Ms. MacSwords answered concerning

- landowner education - positions will be filled by foresters who will work with landowners and forest industries.
- Forest Stewardship Incentive funding—the only funding going into this is fines collected from timber harvesting requirements. (Only \$1,300 at this time.) The new forest incentive program, the Forestland Enhancement Program (FLEP) will replace SIP and FIP. We are waiting to see how much federal money will be funded for that program. I agree that forest landowners should have an “in” to some of the tobacco settlement monies for long-term sustainability on their lands.
- Yes, I am receptive to revisiting the Kentucky Forest Plan of 1995.

Bob Bauer, Director, Kentucky Forest Industries Association

Next, Ms. Dew introduced Bob Bauer, Director of the Kentucky Forest Industries Association to discuss forestry issues and needs facing the forest industry.

- ***Structure of Forest Industry***

Mr. Bauer stated that the Kentucky Forest Industries Association (KFIA) represents sawmill, logging, finished wood product industries and a wide range of people in the state who deal with the wood industry. The wood industry represents \$4.5 to \$5 billion in sales. More than 30,000 people are directly employed by the wood industry and it is the 3rd largest manufactory industry in the state.

- ***Forest Use***

Sawmills today are not like the turn-of-the-century mills. Today, mills use 25 to 30 percent more lumber from a log due to the use of band saws and computer technology. Smaller logs and tops that were left in the woods in the past are now a resource that is used. The huge sawdust piles you use to see are now used for fuel and the chips; everything is used today. The key part to determining the status of our forest resources is the forest inventory. Past inventories have indicated that there is a one to three ratio—for every log cut, three are being grown.

- ***Forest Conservation Act***

The Forest Conservation Act has been a key factor in the collection of data for the inventory and education. The act has required Best Management Practices (BMP's) for loggers. The industry feels very good about the logger training and working with the Division of Forestry. The BMP Board looks continually for improvements of management practices for water quality. The key to better forests is forest management on private woodlands since 93 percent of Kentucky's

woodlands are privately owned. The industry and landowners should be most interested in the quality of the resources.

- ***Issues and Needs***

Industries need to improve the management of the forestlands. Mr. Bauer emphasized that the key to good forest resources is good forest management. The value added will be seen in finished products. In the future you will not see new sawmills, but what you will see is the industry changed from sawmills and loggers to dry kilns and processing the lumber and making finished products. That is where the growth in the industry is coming. Mr. Bauer's concerns and needs include:

- Inventory of Kentucky's forests,
- Having information and getting that information out,
- Ensuring the multiple use of the Daniel Boone National Forest, and
- Forest incentives for landowners

Questions and comments followed Mr. Bauer's presentation.

Q. An audience member wanted to know how interested is the industry in setting up a system of recycling wood products to save board feet?

A. Mr. Bauer said there is an interest. Paper is the top recycled product. Pallets are rebuilt and reused. Every part of the tree is used; the bark, the sawdust, bits and pieces of wood are all used and not stacked and burned as use to be the practice.

Q. Some audience members expressed concern about the proliferation of chip mills. There seems to be a loss of hardwood forests. Is KFIA in favor of bringing chip mills into Kentucky?

A. Mr. Bauer said he did not see a proliferation of chip mills in Kentucky.

Q. Do we have a better idea today of how much raw timber is being exported out of Kentucky?

A. Mr. Bauer noted that the Division of Forestry keeps records collected from the mills and what that showed is that Kentucky is a net importer of logs. That is less of an issue. The bigger issue is the amount of lumber exported. Now with mills having dry kilns, less lumber is being exported.

Q. An audience member said she had a real concern for comparing Kentucky forest with Southern forests to see if we are over-harvesting. Southern forests are over harvesting and their forests are not sustainable. Can you give us a better picture of how Kentucky's forests are doing without the comparison to the South?

A. Ms. MacSwords responded that the key is the forest inventory. The data should be worth more than the time before because they have added 10,000 additional plots to improve the data.

Q. Being able to track exactly what is going on as to where logging is occurring, would the KFIA support the Forest Conservation Act if it included a notice of intent notification provision?

A. Mr. Bauer responded that our feeling is that the majority of the logging jobs are being inspected. Would having a notification provision really help? If there is a guy out there who is a bad actor and a problem on every job, is that bad actor going to call and tell us where he is logging? Our feeling is that he is going to have to be rooted out by being found out by the industry and Division of Forestry working together. Right now, I don't see where a notification is going to stop that guy from being a bad actor.

Q. Would it hurt anything to do to include a notice of intent provision? How much trouble would that be? We are talking about Master Logger filling out one application and sending it in to Frankfort just to give Frankfort notice of where they are logging. How can that be too cumbersome?

A. Mr. Bauer commented that there is a very strong feeling out there not just among the logging industry, but among private landowners that it is not the government's place to require a notice of intent.

Q. I have seen what is being harvested and the size of the logs look like "firewood." Do you have any comment on the size of the logs being harvested?

A. Mr. Bauer responded that the average size of logs probably has decreased some, but mill operators tell me that there is still a high level of quality.

Q. Do you really believe that 1.13 billion board feet is sustainable for the future?

A. Mr. Bauer responded yes, I do.

Mr. Doug Doerrfeld, Representative for the Kentuckians for the Commonwealth

Ms. Dew introduced the final speaker, Mr. Doug Doerrfeld, Representative for the Kentuckians for the Commonwealth.

Mr. Doerrfeld spoke on three topics: the Kentucky Forest Conservation Act, the sustainability of Kentucky's forests, and the Daniel Boone National Forest.

• *Forest Conservation Act*

The Forest Conservation Act was the first legislative step in trying to understand what is happening in Kentucky's forest. He defined sustainability as ecosystem-based communities; forest management that protects biodiversity, produces a constant supply of large diameter saw logs where the profits from these forest products remain in local communities. The act created the forest stewardship incentive fund, but it was not funded. The small percentage of forest landowners with forest management plans must be increased. Property tax deductions for forest landowners could be used as an incentive to seek out the Division of Forestry, tree farm, and other forest management organizations like the forest stewardship council or smart wood. Matching for non-timber production goals such wildlife, conservation or recreation must be included with these incentives. This would encourage private forests landowners to become stakeholders and a new vision of their forests one of forest management. A statewide study is needed to understand the cumulative effects of logging, sprawl, agriculture, and mining on flooding, water quality, forest sustainability, biodiversity and quality of life. With the goal being what is the highest rate of harvest in relation to a constant flow of large-diameter sawlogs is. The enforcement process should be improved. It has too many appeals. Since a master logger trained in BMP's is required to be on commercial logging sites, commercial loggers should already know how to be in compliance with BMP's and one warning should be sufficient.

• *Sustainability of our Forests*

Kentucky's forests are being harvested at an all-time high at nearly a billion board feet a year. A U.S. Forest Service report concludes that Kentucky's hardwood forests will be sustainable for the next 25 years at these rates of harvest. In past centuries with harvest rates less than this, our forests were devastated. We are concerned with the quality of the growth data used for this study. By using old data and not accounting for increased cull and mortality, the rate of KY hardwood has been over estimated. The statement that our hardwood forest growth will exceed harvest for 25 years is not documented or creditable.

- ***Daniel Boone National Forest***

It is imperative that commercial logging not continue on public land. The DBNF is only 4 percent of Kentucky's woodlands. This tiny fraction must be allowed to attain a mature state of a desired condition to provide habitat for threatened and endangered species as well as a sanctuary for citizens who wish recreational or spiritual solace to be found only in a mature forest. In Rowan County the DBNF is threatened by a proposed highway interchange. Even though the Forest Service has not yet given its formal consent, it has indicated in letters that it has no problem with the project. Forestlands were bought by our parents and grandparents for our use and our children's' children's use. If consent of the poorly conceived project is given then not a single acre of the DBNF is safe from pet projects of local politicians. We need for the Forest Service to defend every acre of our public forest by demanding the highest standards of need be met before any acre is yielded.

In summary; we need stronger enforcement of the Forest Conservation Act, permitting for commercial logging, funding for incentives for ecological forestry, and a definition of sustainable that includes protection of biodiversity, local profits, and a constant flow of large diameter sawlogs.

Questions and comments followed Mr. Doerrfeld's presentation.

Q. What do you consider a large saw log?

A. Mr. Doerrfeld said that the definition of a sawlog is eleven inches, so we're talking about trees that will mature to two to three feet in diameter. I'd say, 18 to 20 inches for a large sized saw log.

Q. There seems to be some conflict between the forest maturing and the statement that the size of the saw logs is going down.

A. Mr. Doerrfeld said he believed that everyone on the panel would agree that Kentucky's forest are in much better shape then they were 40 or 50 years ago.

Q. Do you see a 'crash' in the future if Kentucky keeps cutting a billion board feet of hardwood sawlogs a year? Are you saying it is not sustainable?

A. Mr. Doerrfeld said that the history of Kentucky and the forest harvesting at rates of 950 million board feet left the forest completely devastated. It took 60 to 80 years to recover. At rates that are more than that now, it is going to deplete the number of live saw logs.

Q. I want to factor in Mr. Bauer's 25 percent more efficient band saw.

A. Mr. Doerrfeld indicated responded yes, that's going to help but it is not going to keep up with the high use rate.

Q. What you're saying is that we could make some changes to prevent this?

Q. The idea is to get the private forest landowners to get forest management plans so that can develop their forest to get larger diameter trees.

General Comments and EQC Recommendations

Ms. Dew next opened up the meeting to general comments.

Concerning Roads through the Daniel Boone National Forest

Why is the I-64 interchange proposed, who wants it, and what legislator proposed it?

Kim Rich stated that Smart Progress found out after more than a year of research that the project was “slipped” into the federal budget during a budget reconciliation process. It was hidden in a 500 page legislative document. No one has claimed credit for it. No legislator will admit being the one who wanted it in there. Her major comment was that it is a known fact the Gypsy moth spreads by “hitch-hiking” on vehicles. Why would any one want to spend millions of dollars to build a road through a hardwood forest? Also the proposed plan for the road is the Sheltoewe Trace National Historic Recreational Trail. Someone commented that the State Nature Preserves Commission found the proposed site has 39 threatened or endangered species and 3 globally rare plant communities.

Concerning Mining through the Daniel Boone National Forest

There are about 40 mine sites that have never been cleaned up and the sites are leaching acids in the streams in the DBNF. There should be no more mining until these sites are cleaned up.

Concerning Forest resources

Ray White—Lumber Industry. Mr. White gave his version of the view out the window of the forest landscape (first described by Ms. Dew as a beautiful forest). Mr. White’s view was a forest that was severely damaged by sheer winds a few years ago, trees were blown down, and today a lot of that timber is laying on the ground and there is a lot of erosion. The day the storm winds hit, there was a lot of commercial value to that timber. But in the name of saving the Indiana bat, salvage was halted. After a year or so of litigation, permission was given for harvesting but the opportunity had passed. The commercial value of the timber was lost. His concern was the possibility of too much regulation. He also commented on air quality stating that studies have shown that a young tree cleans the air better than a 100 to 200 year-old tree. The key is balance.

Concerning EQC Trends report

Grant Curry—Forester and a member of the Society of American Foresters

Mr. Curry stated that the Society of American Foresters is an organization with more than 100 professional foresters in Kentucky. This group is a huge resource. Has the organization in the past been asked to participate in the EQC’s State of Kentucky’s Environment reports? He feels that to get a wide range of opinions and expertise on forestry issues in Kentucky ask members of the Society of American Foresters. The forest inventory is due for release in 2003. Look at trends and pay close attention to trends, especially diameter distribution. Concerning sustainability; ask any forester and they will tell you unequivocally that yes, forests are sustainable.

Concerning Mining on the Daniel Boone National Forest

Amanda Moore Appalachian Citizens Law Center in Prestonsburg.

Q. What is the current status and what is going on with the mining of federally owned minerals in the DBNF? Are there any public comment periods going on at this time?

A. Mr. Worthington responded that there are a number of leases in various stages. There are two open right now for comment but Mr. Worthington did not have those dates in front of him.

Concerning logging

Mike White—Timber Industry

Mr. White stated his industry uses 100 percent of the tree. I’m sure I can speak for everyone here that no one wants to see our hardwood forests replaced with pine forests. Our loggers do inform the DOF of every logging operation. I do agree that we need more landowner education. His main concern was too much regulation.

After all discussion and comments, the EQC offered a [Resolution Pertaining to Coal Mining on the Daniel Boone National Forests](#) to be sent to Governor Paul E. Patton. Jean Dorton read the

resolution. After general discussion and comments, a motion was made by Betsy Bennett, seconded by Bob Riddle. The resolution included a request that a full environmental impact statement be conducted for two mining operations proposing to lease federal minerals. The resolution passed unanimously and is attached and made a part of these minutes.

The EQC next offered a draft [*Resolution Pertaining to Kentucky's Forest Resources*](#) to be sent to Governor Paul E. Patton. The resolution was read by Commissioner Bennett. The resolution included a recommendation that the state amend the Forest Conservation Act to include a "notice of intent to log" provision. It also called for more timely analysis of data on Kentucky's forest by the U.S. Forest Service. After comments and changes were made, a motion was made by Jean Dorton and seconded by Patty Wallace. The resolution passed unanimously and is attached and made a part of these minutes.

The EQC next considered a recommendation supporting Congressman Hal Rogers' request in the amount of \$6.8 million to fund the [*Daniel Boone National Forest's \(DBNF\) FY 2003 land purchase program*](#). A motion was made by Serena Williams and seconded by Betsy Bennett. The recommendation passed unanimously and is attached and made a part of these minutes.

Chair Dew thanked all the speakers and participants for coming and invited them to stay for the business meeting that followed.

Other Business

Ms. Dew asked for a motion to approve EQC March 21 meeting minutes. A motion was made by Jean Dorton, seconded by Serena Williams. The motion to approve the March 21 meeting minutes passed unanimously.

- ***KPDES Regulations***

EQC considered the following proposed regulations:

401 KAR 5:002	Definitions for 401 KAR Chapter 5.
401 KAR 5:055	Scope and applicability of the KPDES program.
401 KAR 5:057	KPDES pretreatment requirements.
401 KAR 5:060	KPDES application requirements.
401 KAR 5:065	KPDES permit conditions.

It was noted that these were housekeeping changes and incorporated federal changes. After discussion, a motion was made by Patty Wallace and seconded by Jean Dorton to approve these regulations. The motion passed with all members voting yes with the exception of Betsy Bennett who abstained because she had not fully reviewed the regulations.

- ***Anniversary Web site***

Executive Director, Leslie Cole, gave a brief description of the new EQC Anniversary Web site. Ms. Cole also invited the Commissioners to look at the Web site and participate in the new interactive EQC public survey. Participants instantly will see live results. We have had 23 people already to take the survey, and 70 percent said they are very concerned about the environment, 30 percent said water pollution is their main concern, 39 percent said the environment is better.

- ***Budget***

Ms. Cole reviewed the EQC budget. With 83 percent of the fiscal year lapsed, the commission has spent 85 percent.

Next meeting will be tomorrow morning 8:30 a.m. in the Oak Room of the Ramada Inn for a briefing on Maxey Flats. A tour of the site will follow the meeting. The next meeting is scheduled for July.

With no further business the meeting adjourned at 10:30 p.m.

signed

dated